

CHAPTER NO. 488

HOUSE BILL NO. 2846

By Representative Dunn

Substituted for: Senate Bill No. 2321

By Senator Cohen

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 9, Part 4, relative to motor vehicle lighting regulations.

WHEREAS, At a suppression hearing conducted on May 28, 1999, the Honorable Seth Norman, criminal court judge for the twentieth judicial district, found that the provisions of § 55-9-404 would not apply to vehicles which were not being drawn at the end of a train of vehicles; and

WHEREAS, Judge Norman's interpretation of § 55-9-404 was upheld by federal district judge Trauger in the case of U.S. v. McKissack, 76 F. Supp. 2d 836 (M.D. Tenn. 1999), when she said "...to require that every motor vehicle have a light illuminating the rear license plate regardless of whether the vehicle was 'at the end of a train of vehicles'...is contrary to the plain meaning of the statute..."(Id. at 838); and

WHEREAS, it is incumbent upon this general assembly to bring the statutes of this state into conformity with the common law on those occasions when the judiciary has interpreted the plain meaning of a statute; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-9-404, is amended by adding the following as a new subsection (b) and by relettering present subsection (b) accordingly:

(b) The provisions of this section shall not apply to a single motor vehicle as is required in § 55-9-402, but shall only apply to the last motor vehicle being drawn at the end of a train or group of motor vehicles.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: March 22, 2004


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 8th day of April 2004


PHIL BREDESEN, GOVERNOR